

**From:** Trueblood, Craig <craig.trueblood@klgates.com>  
**Sent:** Thursday, September 24, 2020 4:29 PM  
**To:** Mednick, Richard <Mednick.Richard@epa.gov>  
**Cc:** Sanga, Ravi <Sanga.Ravi@epa.gov>  
**Subject:** FW: Harbor Island - BNSF 104(e) Responses

Richard,

Due to continuing COVID-19 restrictions, BNSF is still not able to access its file archives to search for additional, potentially responsive documents. I will report again in 60 days regarding the status of this on-going effort. If you have any questions in the interim, please let me know.

Craig T.

**From:** Trueblood, Craig  
**Sent:** Wednesday, July 29, 2020 3:30 PM  
**To:** 'Mednick, Richard' <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>  
**Cc:** 'Sanga, Ravi' <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>  
**Subject:** RE: Harbor Island - BNSF 104(e) Responses

Richard,

Attached please find supplemental responses from BNSF. We posted additional documents, as indicated in the letter.

Craig T.

**From:** Trueblood, Craig  
**Sent:** Thursday, July 23, 2020 10:53 AM  
**To:** 'Mednick, Richard' <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>  
**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>  
**Subject:** RE: Harbor Island - BNSF 104(e) Responses

Richard,

Attached are BNSF's narrative responses. You and Ravi should receive an e-mail from Box.com later today inviting you to view and download the documents referenced in the narrative responses. As noted in responses to question 1.g., we will add documents next week when we have them Bates numbered. I will provide you with the Bates number ranges for those additional materials at that time. As noted in the cover letter, we will contact you within the next 60 days to update you on any additional, responsive documents that BNSF may identify in archives that are not currently accessible.

Please let me know if you have any questions or have difficulty accessing Box.com. I can have all the documents burned onto a CD and delivered to you if that is more convenient.

Craig Trueblood  
K&L Gates  
O: 206-370-8368  
M: (b) (6)

**From:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>  
**Sent:** Friday, July 17, 2020 1:00 PM  
**To:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>  
**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>  
**Subject:** RE: Harbor Island - BNSF 104(e) Responses

Hello Craig,

The additional time is acceptable to EPA.

Respectfully,

Richard

Richard Mednick  
Associate Regional Counsel  
Regional Judicial Officer  
U.S. EPA | Region 10  
1200 Sixth Avenue  
Suite 155, M/S 11 C07  
Seattle, WA 98101  
(206) 553-1797

**From:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>  
**Sent:** Thursday, July 16, 2020 12:36 PM  
**To:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>  
**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>  
**Subject:** RE: Harbor Island - BNSF 104(e) Responses

Richard,

I am informed that our IT group needs a few more business days to have documents Bates numbered and then loaded onto a file share site for EPA to download. BNSF hereby requests an extension of time until 5 p.m., Thursday the 23rd, to respond to EPA's Request.

If there a preferred file share site EPA uses, please let me know. If not, we plan to use Box.com.

Respectfully,

Craig Trueblood  
K&L Gates

**From:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>  
**Sent:** Friday, July 10, 2020 6:48 AM  
**To:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>  
**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>  
**Subject:** RE: Harbor Island - BNSF Documents - Maps

Hello Craig,

EPA agrees to defer the submission by BNSF of financial and insurance documents. Should it become necessary at a later time for EPA to obtain copies of those documents, EPA will so inform BNSF.

Respectfully,

Richard

Richard Mednick  
Associate Regional Counsel  
Regional Judicial Officer  
U.S. EPA | Region 10  
1200 Sixth Avenue  
Suite 155, M/S 11 C07  
Seattle, WA 98101  
(206) 553-1797

**From:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>

**Sent:** Wednesday, July 8, 2020 9:51 AM

**To:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>

**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>

**Subject:** RE: Harbor Island - BNSF Documents - Maps

Richard,

I have a another request/question. Does BNSF need to provide all of the Financial Information (Question 2) and Insurance Information (Question 3)? The company files regular financial reports with the SEC and these are available in the BNSF website to EPA and the public at large. We can provide a link to that information in BNSF's responses. In addition, BNSF does not anticipate using insurance to respond to claims re the East Waterway.

BNSF understands EPA can ask for this type of information but wanted to confirm it is not necessary at this time. EPA was willing to defer receiving this type of information from BNSF for the Lower Duwamish Waterway 104(e) request.

Thank you for your consideration of this request.

Craig Trueblood  
K&L Gates

**From:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>

**Sent:** Tuesday, June 23, 2020 12:23 PM

**To:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>

**Cc:** Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>

**Subject:** RE: Harbor Island - BNSF Documents - Maps  
**Importance:** Low

Hello Craig,

Thank you for providing me and Ravi Sanga with examples of Burlington Northern Santa Fe (BNSF) property ownership and other interest holder documentation during our discussion on June 10. As we understand it, there is quite a significant volume of these documents.

For the time being, the United States Environmental Protection Agency (EPA) is not interested in obtaining copies of those documents. As a result, I have received authorization to inform BNSF of a modification to the CERCLA 104(e) request issued to BNSF by EPA.

Question 1.f of the CERCLA 104(e) information and document request for the East Waterway Operable Unit of the Harbor Island Superfund Site issued to BNSF is modified by EPA as follows:

1. f. Provide copies of all documents regarding the ~~ownership or~~ environmental conditions of the Subject Property, including, but not limited to, ~~deeds, sales contracts, leases, surveys,~~ investigations, sampling, reports, blueprints, "as built," and photographs.

Please let me know if you have any questions about this matter.

Thank you,

Richard

Richard Mednick  
Associate Regional Counsel  
Regional Judicial Officer  
U.S. EPA | Region 10  
1200 Sixth Avenue  
Suite 155, M/S 11 C07  
Seattle, WA 98101  
(206) 553-1797

**From:** Trueblood, Craig <[craig.trueblood@klgates.com](mailto:craig.trueblood@klgates.com)>

**Sent:** Monday, June 22, 2020 10:01 AM

**To:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>; Sanga, Ravi <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>

**Subject:** RE: Harbor Island - BNSF Documents - Maps

Richard and Ravi,

Any feedback on the types of documents we discussed on June 10?

Thank you.

Craig T.

**From:** Trueblood, Craig

**Sent:** Tuesday, June 09, 2020 4:11 PM

**To:** Mednick, Richard <[Mednick.Richard@epa.gov](mailto:Mednick.Richard@epa.gov)>; 'Sanga, Ravi' <[Sanga.Ravi@epa.gov](mailto:Sanga.Ravi@epa.gov)>

**Subject:** Harbor Island - BNSF Documents - Maps

Richard and Ravi,

As promised, here is the first in a series of e-mails with documents for us to review tomorrow at 2:30p. There will be a total of 6 e-mails. All docs are being sent in pdf format.

Attached here are maps of "grid 1" along with a table/spreadsheet titled "GRID 1 Real Estate Documents." I highlighted in yellow on this table all the documents I will send, in groups.

The next 5 e-mails will be Acquisitions, Lease Agreements, Permit Agreements, Sales + Dispositions, and Track Agreements.

I realize little of this is self-explanatory so I want to walk you through as many of these as you like tomorrow. Note that this is merely a subset of the real estate documents BNSF has for this "grid" and there will be many more grids within the "study area" as defined in the 104(e) request. We will also have non-real estate documents to produce and we can discuss what those might be tomorrow as well.

Craig Trueblood  
K&L Gates

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